

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:16-CR-132-1BR

FILED IN OPEN COURT

ON 12/5/16 KM
Julie Richards Johnston, Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA :
 :
V. :
 :
GERARDO GUTIERREZ-RICO :
 :

ORDER OF FORFEITURE

WHEREAS, pursuant to the guilty plea entered into by the defendant on August 29, 2016, and further evidence of record and as presented by the Government, the Court finds that the following property is hereby forfeitable pursuant to 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), as firearms and ammunition used in knowing violations of 18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2), to wit, a Heritage model Rough Rider .22 caliber pistol with an obliterated serial number; a Browning model Hi Power 9mm pistol, serial number 245PX21414; and any and all accompanying ammunition;

AND WHEREAS, by virtue of said guilty plea, the United States is now entitled to possession of said personal property, pursuant to Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the defendant's guilty plea, the United States is hereby authorized to seize the above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED. This 5 day of December, 2016.



W. EARL BRITT
Senior United States District Judge